



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/820,452

04/08/2004

Keith A. Fotta

3682.1001-000

7277

21005

7590

01/27/2009

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MA 01742-9133

EXAMINER

GAY, SONIA L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

01/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,452

Applicant(s)

FOTTA ET AL

Examiner

SONIA GAY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) 12, 19, 38, 44, 61, 66, 82 and 86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18, 20-37, 39-43, 45-60, 62-65, 68-81, 83-85, 87-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment submitted on 10/23/2008 in which claims 1-11,13-18, 20-37, 39 - 43, 45-60, 62-65, 68-81, 83-85, and 87 - 98 are submitted for examination.

Claim Rejections - 35 USC § 103

1. Claims 1 – 11, 13 – 18, 21 – 37, 39 – 43, 46-51, 53 – 60, 62 – 65, 68- 81, 83-85, and 88- 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Fotta (US 6,130,937), and further in view of Fergusson et al. (US 2003/0212566).

For claims 1, 27, and 97, Garfinkel discloses a control system with means and method for selectively prohibiting a communications connection between an origin and destination within a communications network, the system comprising:

at least one list of prohibited destination identifiers (**Fig. 3** 46, 47, 48 and column 5 lines 54 – column 6 line 2); at least one list of exempted destination identifiers (**Fig. 3** 49 and column 6 lines 2 – 11);

a control unit that prohibits or allows the communications connection between the origin and destination based on one or more mediation rules and the lists of prohibited and exempted destination identifiers (control computer: column 5 lines 24 – 28, 35 – 39).

Yet, Garfinkel fails to teach the list of exempted identifiers including a date of contact associated with the each exempted destination identifier, and the control unit determining

whether to allow communications connection depending on a duration that the particular exemption is valid from the date of contact.

However, Fotta discloses a system and process for automatic storage enforcement and override of consumer do not call list wherein the date and time of contact for an override/exempted identifier is stored within a database file corresponding to the override/exempted destination identifier for the purpose of tracking the override/exemption identifier (column 7 lines 55 - column 8 line 30; column 12 lines 10 - 18, 25-32).

Moreover, Fergusson et al. discloses a system and method for the purpose of assisting organizations in complying with Do-Not-Call law wherein a control unit accesses a time parameter for the purpose of determining whether to apply a particular exemption to allow the communications connection depending on duration that the particular exemption is valid from the data of contact (*For example, to help determine whether a valid prior relationship or existing relationship exists, the parameters may include one of more values that define that if a client transacted business with the organization within the past year, a prior or existing relationship exists. If an existing or prior relationship exists, the DNC handler block may report that the prospective clients may be contacted,* Abstract; [0074][0075][0076]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Fotta and Fergusson et al. so that the list of exemption identifier's disclosed above in Garfinkel comprise dates of contacts for the purpose of determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact.

For claims 53, 74, and 98, Garfinkel discloses an analysis system with means and method for selectively designating whether a communications connections between an origin and one of more destinations are prohibited, the system and method comprising:

at least one list of prohibited destination identifiers (Fig. 3 46, 47, 48 and column 5 lines 54 – column 6 line 2); at least one list of exempted destination identifiers (Fig. 3 49 and column 6 lines 2 – 11);

a control unit that prohibits or allows the communications connection between the origin and destination based on one or more mediation rules and the lists of prohibited and exempted destination identifiers (control computer: column 5 lines 24 – 28, 35 – 39).

Yet, Garfinkel fails to teach an interface unit that receives one or more proposed destination identifiers; the list of exempted identifiers including a date of contact associated with the each exempted destination identifier; and the control unit determining whether to allow communications connection depending on a duration that the particular exemption is valid from the date of contact.

However, Fotta discloses a system and process for automatic storage enforcement and override of consumer do not call list wherein the date and time of contact for an override/exempted identifier is stored within a database file corresponding to the override/exempted destination identifier for the purpose of tracking the override/exemption identifier (column 7 lines 55 - column 8 line 30; column 12 lines 10 - 18, 25-32).

Moreover, Fergusson et al. discloses a system and method for the purpose of assisting organizations in complying with Do-Not-Call law wherein an analysis system comprises an interface unit that receives one of more proposed destination identifiers for the purpose of designating whether a communications connections between an origin and one or more destinations are prohibited (*broker/dealer interface and control block through World Wide Web*, [0036] [0083]); and, accesses a time parameter for the purpose of determining whether to apply a particular exemption to allow the communications connection depending on duration that the particular exemption is valid from the data of contact (*For example, to help determine whether a valid prior relationship or existing relationship exists, the parameters may include one of more values that define that if a client transacted business with the organization within the past year, a prior or existing relationship exists. If an existing or prior relationship exists, the DNC handler block may report that the prospective clients may be contacted*, Abstract; [0074][0075][0076]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Fotta and Fergusson et al. so an interface unit is connected to the analysis unit disclosed above in Garfinkel for the purpose of designating whether a communications connections between an origin and one or more destinations are prohibited; and the list of exemption identifier's disclosed above in Garfinkel comprise dates of contacts for the purpose of determining whether to apply a particular exemption to allow the communications connection depending on a duration that the particular exemption is valid from the date of contact.

For claims 2, 28, 54, and 75, Garfinkel further discloses wherein the origin and destination are each a communications device directly or indirectly connected to the communications network. (Garfinkel, column 4 lines 33 - 36; 38 - 42).

For claims 3, 29, 55, and 76, Garfinkel further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, client interface, and remote computer terminal (Garfinkel, column 4 lines 33 - 36; 38 - 42).

For claims 4 and 30, Garfinkel further discloses a connection unit that receives or initiates a request for a communications connection between an origin and destination, the request including the destination identifier; the connection unit capable of sending a request to the control unit and receiving an order from the control unit to prohibit or allow the communications connection. (column 4 lines 42 - 52; column 5 lines 5 - 17, 18 - 24).

For claims 5 and 31, Garfinkel further discloses wherein the connection unit is any one of an Interactive Voice Response application, a predictive dialer server, a distributed predictive dialer system, a switch, router, and an electronic mail server (Garfinkel, *switch*, **Fig. 1** 13, 14 and column 4 lines 30 - 42).

For claims 6 and 32, Garfinkel further discloses wherein the connection unit establishes a communications connection between an origin and destination (Garfinkel, column 4 lines 33 - 42).

For claims 7, 33, 56, and 77, Garfinkel further discloses wherein the destination identifier is a communications device address (Garfinkel , *destination number dialed by handset*, column 4 lines 33 - 36; 38 - 42).

For claims 8, 34, 57, and 78, Garfinkel further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address (Garfinkel, destination number dialed by handset: column 4 lines 33 - 36; 38 - 42).

For claims 9, 35, 58, 79, Garfinkel further discloses wherein the lists are contained within one or more tables of one or more databases (Garfinkel, column 5 lines 37 - 39).

For claims 10, 36, 59, 80, Garfinkel further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, Wireless do-Not-Call list, a client internal list, and a Very Important Person list (Garfinkel, column 5 lines 54 - column 6 line 2).

For claims 11, 37, 60, 81, Garfinkel discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State Do-Not-Call exemption list, a VIP exemption list, and other exemption list (Garfinkel, column 6 lines 3 - 11)

For claims 13, 39, 62, 83, Garfinkel further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers (Garfinkel, column 6 lines 12 - 49).

For claims 14, 39, 63, 83, Garfinkel further discloses wherein each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored. (column 6 lines 31 - 41)

For claims 15, 40, 64,84, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin (Garfinkel, column 7 lines 36 – 52).

For claims 16 ,41, 65,85, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface (Garfinkel, column 8 lines 48 –66; column 9 lines 14 - 16).

For claims 17 and 42, Garfinkel further discloses wherein the control unit is a computer server that resides on the premises of any one of a client, a local exchange carrier, local administration facility, central administration facility, and other remote facility (Garfinkel, *central administration facility*, column 3 lines 6 – 15).

For claims 18 and 43, Garfinkel further discloses wherein the control unit interfaces with local prohibited and exempted destination lists; the local prohibited and exempted destination lists being periodically synchronized with other prohibited and exempted destination lists; the other prohibited and exempted destination lists being remotely located at another facility such as a local administration facility, local exchange carrier, central administration facility, or other facility (Garfinkel, column 4 lines 10 - 14; column 8 lines 36 - 41).

For claims 21 and 46, Garfinkel further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules (Garfinkel, column 7 lines 36 – 46).

For claims 22 and 47, Garfinkel further discloses wherein a plurality of destination identifiers are examined in relation to a particular origin to determine whether to prohibit or

allow a communications connection between the origin and each destination of the plurality of destinations (Garfinkel ,column 1 lines 12 – 16; column 5 lines 5 – 28).

For claims 23 and 48, Garfinkel discloses the claimed invention above and further discloses wherein a client user is identified and authenticated (Garfinkel, column 6 lines 13 – 20).

For claims 24 and 49, Garfinkel further discloses wherein the control unit, based on the mediation rules, uses additional client and customer information to determine whether to prohibit or allow a communications connection (Garfinkel ,column 5 lines 37 – 45; column 6 lines 13 – 20)

For claims 25 and 50, Garfinkel further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, client office identifier, product identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria (Garfinkel, CN, customer identification code or number : column 5 lines 39 – 42).

For claim 26 and 51, Garfinkel further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated (Garfinkel , column 7 lines 55 – column 8 line 18).

For claims 68 and 88, Fergusson et al. further discloses a client computer that remotely sends a certified list of proposed destination identifiers to the analysis unit whereupon the analysis unit designates prohibited and allowed destination identifiers and sends a designation list to the client computer (Fergusson et al., [0083]).

For claims 69 and 89, Fergusson et al. further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. (Fergusson et al., [0044][0052]).

For claims 70 and 90, Fergusson et al. further discloses wherein the analysis unit, based on the mediation rules, uses additional client and customer information to designate a prohibited or allowed communications connection (Fergusson et al., [0055]).

For claims 71 and 91, Fergusson et al. further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, product identifier, client office identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria (Fergusson et al., [0055][0083]).

For claims 72 and 92, Fergusson et al. further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated (Fergusson et al., [0110]).

For claims 73 and 93, Fergusson et al. discloses the claimed invention above and further discloses wherein the interface unit is any one of a World Wide Web page, a ftp server, an database connection, a remote terminal connection, and Interactive Voice Response connection (Fergusson et al., ,World Wide Web : [0036] [0083]).

2. Claims 20, 45, 67, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Fotta (US 6,130,937), and further in view of Fergusson et al. (US 2003/0212566), and further in view of Prince (US 2004/0148506).

For claims 20, 45, 67, and 87, Garfinkel fails to teach wherein the control unit/analysis unit remotely accesses the prohibited and exempted lists within a central administration facility.

However, Prince teaches a control unit (client do-no-contact list application : [0033]) which is a software application within a remote client computer that accesses the prohibited and exempted lists within a central administration facility (master –do-not-contact list server : [0033])for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed ([0033][0036][[0041][0042])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Prince to have the control unit/analysis unit within the remote client computer as disclosed above in Garfinkel to access the prohibited and exempted lists within a central administration facility for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed.

3. Claim 52 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) as being unpatentable over Garfinkel (US 6,330,317) in view of Fotta

(US 6,130,937), and further in view of Fergusson et al. (US 2003/0212566), and further in view of Frentz et al. (US 6,853,717).

The teachings of Garfinkel in view of Fotta, and Fergusson et al. fail to teach that the functions performed by computer readable medium program codes (Garfinkel, logic: column 3 lines 9 - 14) are stored on a computer readable medium.

However, Frentz et al. discloses computer readable medium codes stored on a computer readable medium for the purpose of configuring a computer to perform a method of eliminating an unwanted connection to a destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel in view of Fotta, and Fergusson et al. with the invention disclosed in Frentz to store the computer readable medium program codes as disclosed above in Garfinkel on a computer readable medium for the purpose of configuring the computer to perform the method of eliminating or preventing calls to a destination.

4. Claim 95 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) and further in view of Kikinis et al. (US 5,960,073).

Garfinkel et al. discloses a method of selectively prohibiting a communications connection between an origin and destination in a telecommunications network, the origin having a user interface for a client agent, the destination having a destination telephone number, the method comprising:

at the origin, establishing a communications connection with a connection unit(column 5 lines 5 -14);

at the origin, entering the digits associated with a destination telephone number (column 5 lines 5 - 7);

at the connection unit, sending the destination telephone number to the control unit (column 5 lines 18 - 23);

at the control unit, verifying that the dialed area code of the destination telephone number is valid (column 6 lines 13 - 20);

retrieving client-specific mediation rules; prohibiting or allowing the communications connection based on the mediation rules, one or more prohibited destination number lists, and one or more exempted destination number lists, by sending a prohibit or allow order to the connection unit (column 5 lines 54 - column 6 line 49);

at the connection unit if the communications connection is allowed, establishing a second communications connection with the destination and bridging the origin communications connection to the destination communications connection to establish a communications connection between origin and destination (column 5 lines 29 - 34);

at the connection unit if the communications connection is prohibited, ending the communications connection with the origin or notifying the client agent that the call is prohibited and prompting for entry of another destination telephone (column 5 lines 29 - 34).

Yet, Garfinkel et al. fails to teach the following:

at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information;

at the origin, entering the identification and authentication information;

at the connection unit, interacting with the control unit to validate the identification and authentication information and, upon successful validation by the control unit, prompting for the destination telephone number;

at the control unit, verifying that the dialed area code of the destination telephone number is valid;

However, Kikinis et al. discloses the following for providing an interactive home agent or remote agent with access to a call center (Abstract).

at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information (*login procedure* , column 5 lines 65 - column 6 line 10);

at the origin, entering the identification and authentication information (*login procedure* , column 5 lines 65 - column 6 line 10, 47 -55);

at the connection unit, interacting with the control unit to validate the identification and authentication information (column 6 lines 47 – 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention disclosed in Garfinkel with the invention disclosed in Kikinis et al. to allow the control unit as disclosed in Garfinkel to allow remote login, verification , and authentication for the purpose of providing call center access to home or remote agents.

For claim 96, Garfinkel further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers; each comparison with a list of exempted identifiers determining whether comparison with an associated list or lists of prohibited destination identifiers is bypassed (Garfinkel, column 6 lines 12 – 49).

Response to Arguments

5. Applicant's arguments with respect to claims 1,27,52,5374,94,97 and 98 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicants arguments with regards to claims 95 and 96 have been fully considered but they are not persuasive. Applicant argues that the "list peculiar to the company" are not client-specific mediation rules. Examiner cites column 6 lines 12-49 as disclosing a Block/Algorithm as the client specific mediation rules, not the "list peculiar to the company".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

January 16, 2009

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614